

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Rules – Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005 – Amendments - Notification – Issued.

REVENUE (EXCISE .II) DEPARTMENT

G.O.Ms.No.719

Dated:05 .06.2008.

Read the following:-

- 1) G.O.Ms.No.998 Revenue (Ex.II) Dept., dated 24.05.2005
- 2) G.O.Ms.No.598 Revenue (Ex.II) Dept., dated 26.05.2006
- 3) From the CPE Cr.No.4572/CPE/G-2/2008, dated 12-5-2008.

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ORDER:

The following notification will be published in the Extra-ordinary Issue of the Andhra Pradesh Gazette dated the 5th June, 2008

NOTIFICATION

In exercise of the powers conferred by Section 72 read with Sections 17,28 and 29 of the Andhra Pradesh Excise Act, 1968 (Act 17 of 1968), the Governor of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005 issued in G.O.Ms.No.998, Revenue (Ex.II) Department, dated 24th May, 2005 and published in Andhra Pradesh Gazette Rules Supplement to Part II, Extraordinary No.18, dated 24.05.2005 and as amended subsequently.

AMENDMENTS

(1) In **the** said rules,- in rule 7, the following words shall be added at the end, namely :-

“ duly affixing his passport size photo, who has already filed tender(s)”.

(2) for rule 12, the following shall be substituted , namely :-

“ 12. Lease amount to be offered in Tenders:-

Lease amount shall be offered in the tender for the lease period in respect of a shop put up for auction as notified

Tenderer shall also furnish Form-A-1 declaration and Form-A2 affidavit, Form-A3 declaration, and his **two recent passport size photographs and Demand Draft of EMD** in accordance with the Auction Notification, which should be attached to the exterior of the sealed tender

Provided that the tenderer shall be required to deposit as earnest money a sum equal to 5% of the upset price fixed and notified by the auctioning authority for each shop notified for auction in the form of a Demand Draft(s) obtained from a scheduled bank in favour of the auctioning authority or in favour of the Commissioner of Prohibition and Excise. The Demand Draft(s) shall be attached to the exterior of the sealed tenders

Provided further that when a tenderer files tenders for more than one shop, he may deposit earnest money for one of the shops and such earnest money shall be for the shop bearing the highest upset price among the shops for which he filed tenders”.

(3) for rule 14, the following shall be substituted , namely :-

“ 14. Submission and finalisation of tenders:-

(1) The tenders shall be submitted by the tenderer in a sealed envelope addressed to the auctioning authority on or before the last date and time notified for receipt of tenders along with the following particulars:

- (i) Name of the tenderer and his father's name and tenderer's address:

- (ii) Serial number in the Gazette, Name of the area / locality of the shop for which he has offered his tender
- (iii) Lease amount offered for the lease period in figures as well as in words.
- (iv) Challan for Rs. **10,000/- (Rupees Ten thousand only)** being non-refundable participation fee.
- (v) **Two recent passport size photographs.**
- (vi) **Demand Draft(s) towards EMD equal to 5% of the upset price of the A4 shop as required under proviso to Rule-12**

(2) The tenders not accompanied by A-1 declaration, A-2 affidavit, A-3 declaration, challan for participation fee, two recent passport size photographs and EMD, shall be forthwith rejected by the auctioning authority.

(3). The closed envelope containing the tender shall be Superscribed with the words "Tender for the lease of right for the Lease period 20_____ to 20_____ to sell Indian Made foreign Liquor and foreign Liquor by shop at _____ (Sl. No. of the Gazette. Name of the locality / area). The tenderer may obtain acknowledgement for the envelope presented.

(4) Every tender shall be taken into consideration if it is presented on or before the prescribed date and time and no tender shall be received after the prescribed date and time notified by the auctioning authority.

(5) The auctioning authority may if he so desired first announce at the commencement of the auction, the names of persons and the number of persons who had sent tenders for a particular shop.

(6). The tenderer shall be present at the place of auction at the time of opening of the tenders, but his absence shall not affect his tender or the auction proceedings.

(7). The auctioning authority shall open sealed tenders for each shop notified for auction. The highest tender may be accepted if the lease amount offered is higher than the upset price notified by way of announcement by the auctioning authority at the place of public auction, of the name of the highest tenderer and the lease amount offered and the rest of the tenders shall be rejected. Notwithstanding the absence of the tenderer, the acceptance of the highest tender by the auctioning authority shall be binding on the tenderer:

Provided that when on the opening of the sealed tenders it is found that two or more tenderers have quoted the same highest amount, the successful auction purchaser among such tenderers shall be selected by draw of lots:

Provided further that if the highest tender is less than the upset price notified, the auctioning authority may provide an opportunity to the highest tenderer to increase his offer to an amount higher than the upset price and accept the offer. If the highest tenderer is not willing to increase his offer to an amount higher than the upset price, the second highest tenderer may be given a similar opportunity. If both the tenderers are not willing to increase the offer to an amount higher than the upset price, all the tenders in respect of that shop shall be rejected and it shall be put to re-auction:

Provided also that if the auctioning authority considers that the auction should be postponed for a future time and date for any reason he may do so without opening the tenders:

Provided also that it shall be open to the auctioning authority to refuse to knock down the auction in favour of the highest tenderer if such authority is satisfied after a perusal of the affidavit or on the basis of any other information that such tenderer cannot reasonably be expected to discharge his/her liabilities in terms of the lease:

Provided also that where the highest tender is not accepted the auctioning authority shall record the reasons thereof.

(8) The auctioning authority, may by order reject any tender on the ground that the tender is of benami in nature or that there is collusion among the tenderers who participated in the auction for the lease of any shop

(9). After rejecting, the highest tender the auctioning authority may either accept the next highest tender if it is higher than the upset price or dispose off the shop afresh at any subsequent notified auction as the case may be.

(10) No person shall be entitled to obtain the lease of more than one shop. In the event of a person being successful auction purchaser of a shop, all the other tenders filed by him in respect of any other shop/ shops shall automatically become invalid “.

(4) for rule 21, the following shall be substituted, namely :-

“ 21.Sale by outlets of A.P.B.C.L and by the licensee of a IMFL manufactory/ Brewery :-

(1) The auctioning authority with the approval of the Commissioner of Prohibition and Excise may permit the A.P.B.C.L. or a licensee of a IMFL manufactory / Brewery under the Act to open outlets for the sale of IMFL & FL in such areas/localities where the privilege of sale by shop could not be disposed off in the auction or when a lease already granted is cancelled and the same could not be re-auctioned for any reason.

(2) The Commissioner of Proh & Excise may permit the A.P.B.C.L. or a licensee of a IMFL manufactory /Brewery under the Act to open outlets for the sale of IMFL & FL anywhere in the State whenever he deems necessary in public interest”.

(5) For Form A1,the following shall be substituted ,
namely :-

“ FORM A.1
(see rule 6(1))

Declaration

I,----- S/o----- age----- () Years-----R/o-----
village/Town/Mandal----- District ----- do hereby agree that if the lease for
sale of Indian Made Foreign Liquor and Foreign Liquor by ‘ shop’ for the lease period 20-----
----- to 20----- is granted in my favour during the auction. I shall remit a sum equal to 1/6th
of the lease amount for the ‘ shop’ immediately on the acceptance of my tender.

2. I shall abide by the decision of the auctioning authority in all matters connected with my tender (s).

3. In case the shop is re-auctioned and if the lease amount in the re-auction results in decrease, I shall be liable to indemnify to Government the resultant loss. I also shall be liable for such indemnification by the sale of property mentioned in form-A2 and form A2 (s) annexed to this declaration. If the re-auction results in increase I shall have no claim over it. Hence, this declaration is duly executed by me today the-----

4. I shall abide by the terms and conditions of the auction and the A.P. Excise (Lease of right of selling by shop and conditions to Licence) Rules 2005.

Signature

The declaration is executed before me by Sri----- S/o-----R/o----- who is personally known to me / who is identified by Sri -----

Signature of the Attesting officer”.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**G.SUDHIR,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Printing and Stationery and Stores Purchasing, Hyderabad
(He is requested to furnish 500 copies each to Government and Commissioner of Prohibition & Excise and 50 copies to Commissioner of Information and Public Relations, Hyderabad.)

Copy to:

The Commissioner of Prohibition and Excise , Andhra Pradesh, Hyderabad.
The PS to Minister (Prohibition & Excise)
Law (E) Department
SF/SCs.

// forwarded by order //

SECTION OFFICER